
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Michigan Cable Partners, Inc.)	File No.: EB-FIELDNER-13-00012475
Cable System Operator)	
)	NOV No.: V201432360012
Highland Park, Michigan)	
)	Physical System ID: 009546
)	Community Unit ID: MI0948

NOTICE OF VIOLATION

Released: March 14, 2014

By the District Director, Detroit Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Michigan Cable Partners, Inc., operator of a cable system in Highland Park, Michigan. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.²

2. On November 25 and 26, 2013, and December 19, 2013, an agent of the Enforcement Bureau's Detroit Office Michigan inspected Michigan Cable Partners Inc.'s cable system located in Highland Park, Michigan, and observed the following violations:

- a. 47 C.F.R. § 11.56: "Obligation to process [Common Alerting Protocol] CAP-formatted EAS messages. (a) On or by June 30, 2012 EAS participants must have deployed operational equipment that is capable of the following: (1) Acquiring EAS alert messages in accordance with the monitoring requirements in § 11.52(d)(2); (2) Converting EAS alert messages that have been formatted pursuant to the Organization for the Advancement of Structured Information Standards (OASIS) Common Alerting Protocol..." At the time of inspection on December 19, 2013, Michigan Cable Partners, Inc. did not have the required CAP-formatted EAS equipment.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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- b. 47 C.F.R. § 11.61(b): “Entries shall be made in EAS Participant records, as specified in § 11.35(a) and 11.54(a)(3).” Michigan Cable Partners, Inc. did not maintain EAS logs, having no logs prior to December 16, 2013.
- c. 47 C.F.R. § 76.605(a)(12) of the Rules requires that cable operators maintain their cable system signal leakage below 20 microvolts per meter ($\mu\text{V/m}$) measured at 3 meters when operating in the frequency band between 54 MHz and 216 MHz. See 47 C.F.R. § 76.605(a)(12). The agent measured signal leakage in excess of 20 $\mu\text{V/m}$ on 121.2625 MHz at the following locations:

Date	Frequency (MHz)	Field Intensity ($\mu\text{V/m}$)	Location
11/25/2013	121.2625	456	At pole in alley behind 86 Tyler, Highland Park, Michigan.
11/25/2013	121.2625	4601	At pole in alley (next to red detached garage), behind 165 Farrand Park, Highland Park, Michigan.
11/26/2013	121.2625	161	On Davison Service Drive behind 161 Beresford, Highland Park, Michigan.
11/26/2013	121.2625	591	At pole in alley behind 86 Tyler, Highland Park, Michigan.
11/26/2013	121.2625	5499	At pole in alley (next to red detached garage), behind 165 Farrand Park, Highland Park, Michigan.
11/26/2013	121.2625	1700	Near 101 Candler, Highland Park, Michigan.

- d. 47 C.F.R. § 76.611(a): “No cable television system shall commence or provide service in the frequency bands 108-137 and 225-400 MHz unless such systems is in compliance with cable television basic signal leakage performance criteria....” Section 76.611(a)(1) of the Rules, 47 C.F.R. § 76.611(a)(1), states that no cable television system shall provide service in the aeronautical bands unless the system's Cumulative Leakage Index (CLI) complies with the limits established in the Rules (*i.e.*, a CLI of less than or equal to 64). On November 25, 2013, the agent calculated the CLI for the cable system to be 73.2 and on November 26, 2013, the agent calculated the CLI for the system to be 75.2.³

3. As the nation’s emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that cable operators play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full

³ A representative of Michigan Cable Partners, Inc. notified the agent that the signal leakage was fixed on November 27, 2013.

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compliance from its regulatees. We also must investigate violations of other rules that apply to cable system operators. Pursuant to Section 403 of the Communications Act of 1934, as amended,⁴ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Michigan Cable Partners, Inc. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, (iii) must specify whether EAS CAP equipment has been installed or ordered and (iv) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁵

4. In accordance with Section 1.16 of the Rules, we direct Michigan Cable Partners, Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Michigan Cable Partners, Inc. with personal knowledge of the representations provided in Michigan Cable Partners' Inc.'s response, verifying the truth and accuracy of the information therein,⁶ and confirming that all of the information requested by this Notice which is in the company's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁷

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Detroit Office
24897 Hathaway Street
Farmington Hills, Michigan 48335

6. This Notice shall be sent to Michigan Cable Partners, Inc. at its address of record.

⁴ 47 U.S.C. § 403.

⁵ 47 C.F.R. § 1.89(c).

⁶ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁷ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974⁸ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

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James A. Bridgewater
District Director
Detroit District Office
Northeast Region
Enforcement Bureau

⁸ P.L. 93-579, 5 U.S.C. § 552a(e)(3).